

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-14 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 5, 8 and 13, canceling claim 3, and adding new claims 15-20. No new matter is added.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on January 5, 2006.

Specification

The abstract of the disclosure is objected to because of the use of legal phraseology.

The disclosure is objected to because the specification lacks the headings noted in MPEP 608.01(a).

Applicant is amending the specification to overcome these objections.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has added new claim 15, which corresponds to claims 11 written in independent form prior to the amendment of claim 1. Accordingly, claim 15 is allowable.

Art Rejections

1. Claims 1, 3-10 and 12-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sanchez (US 2003/0168476).

2. Claims 1-10 and 12-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by McKinney (US 4,257,561).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1, 3-10 And 12-14 In View Of Sanchez (US 2003/0168476).

In rejecting claims 1, 3-10 and 12-14 in view of Sanchez (US 2003/0168476), the grounds of rejection state:

Sanchez discloses a fluid dispenser head 1 that cooperates with a dispenser member 31 on a fluid reservoir 21 including a fluid duct with an inlet 118b and an outlet dispensing orifice 122, a closure means that includes a closure member 123 that rotates to an open position at 124, a non-rotary portion 11, a rotary portion 12, displacement means 120 that can be grasped by a user to rotate 12 and 123 with respect to 11 as claimed. In regard to claim 9, the distal area of 123 adjacent 124 constitutes the closure member because it performs the valve function of either sealing or opening outlet 118a as shown in figures 3A and 3B, the other end of 123 adjacent 123a constitutes a connection element as claimed because it connects the valve portion adjacent 124 to 116 wherein 116 is an anchor element as claimed because it is the base of the rotary section 12 that supports and secures 12 for rotation of 11. In regard to claim 13, figure 3A is a locked position as claimed which prevents the dome of 125 from being pushed wherein the dome of 125 is a pushbutton that actuates 31.

Office Action at pages 2-3. Applicant traverses this rejection.

Sanchez lacks at least a disclosure of a closure member the closes the orifice in the manner recited in claim 1. In particular, in Sanchez, the cylindrical wall 123, upon rotation, does not close the dispenser orifice 122. Claim 1 explicitly states that the dispenser orifice (83) is the

orifice *from which the user can recover the dispensed fluid*. In Sanchez, the cylindrical wall 123 closes the channel 118, which is remote from dispensing orifice 122.

In view of at least the foregoing difference, the Examiner is requested to reconsider and withdraw the rejection in view of Sanchez.

2. Claims 1-10 And 12-14 In View Of McKinney (US 4,257,561).

In rejecting claims 1-10 and 12-14 in view of McKinney (US 4,257,561), the grounds of rejection state:

McKinney discloses a fluid dispenser head 10 that cooperates with a dispenser member 34 on a fluid reservoir 26 including a fluid duct with an inlet adjacent 28 and an outlet dispensing orifice 36, a closure means that includes a closure member 30 that is closed and opened by screwing and unscrewing rotary member 10 with the upper wall of 10 alternately applying pressure on 30 to close 30 as shown in figure 2 or being spaced from 30 to allow 30 to open and to allow fluid to be dispensed as shown in figure 3, a non-rotary portion 22, displacement means as are threads 24 because they cause the axial motion of rotary portion 10 with a portion of threads 24 located on the non-rotary portion 22 as called for in claim 2. In regard to claim 9, the upper surface wall of 10 surrounding 36 is an anchor element as claimed because it holds or anchors the closure member 30 in place with the sidewall of 10 extending from the top of 10 to the threads 24 being a connection element as claimed. In regard to claim 13, 18 is a pushbutton that is alternately locked and unlocked with 14 depending on the position of 10 as claimed.

Office Action at pages 3-4.

Amended claim 1 requires that the orifice (83) is formed by the rotary portion.

In McKinney, on the other hand, the orifice, which is closed by the closure member 30, is formed by the outer edge of the outlet conduit 34, as seen in Figures 2 and 3. However, this orifice is not the dispensing orifice 36, and is not formed by the rotary portion. Rather, it is formed by the non-rotary portion or housing 22.

The claimed subject matter is directed to a closure member for closing the dispenser orifice, and not a closure member for closing an inner duct. This difference is important, because the closure system in McKinney, as well as that in Sanchez, do not prevent the fluid from being dried or damaged between the closed duct and the dispenser orifice. This benefit, however, is obtained from the claimed subject matter.

In view of at least the foregoing difference, the Examiner is requested to reconsider and withdraw the rejection in view of McKinney.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 15-17, which are also allowable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: December 29, 2009